S.B. CIVIL WRIT PETITION NO.3552/2005

Om Prakash vs. Durgesh and others.

Date : 7.7.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Ravi Bhansali, for the petitioner.

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Heard learned counsel for the petitioner.

After going through the facts of the case, I do not find any illegality in the impugned order dated 13.8.2004. The proper remedy in the present case would have been better to file a suit for damages etc. in case the petitioner finds that he has been cheated by the dealer who was involved in selling the vehicle on exchange basis.

By impleading the dealer in this claim petition, the scope of claim petition will be enlarged for deciding the dispute between the petitioner and non-claimant and newly added party with respect to an entirely different dispute with regard to alleged breach of contract or any fraud, on the basis of which the petitioner wants to claim certain benefits.

In view of the above, the petitioner will be free to take appropriate course but the court below has not committed any illegality in not impleading the party

respondent as prayed by the petitioner.

Accordingly, this writ petition, having no force, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya